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SUBJECT: COURT ORDERS DECLASSIFICATION OF MILITARY PLANS USED DURING
INTERNAL CONFLICT

Sensitive but unclassified. Please protect accordingly.

11. (U) Summary: An appeals court affirmed a lower court ruling in favor of a local civil society group and ordered the declassification of four military plans carried out during the 1980s. Human rights activists hailed the decision as historic but voiced concerns over the physical integrity of the documents. End summary.

12. (U) On July 21, the First Court of Appeals ruled in favor of the Association for Justice and Reconciliation (AJR) and ordered the declassification of four military plans executed during the 1980s. The court rejected the arguments of former general and de facto president Rios Montt and the Ministry of Defense that the documents should continue to be protected as State secrets.

13. (U) The documents, including a plan of military operations in the Ixil area, contain previously classified data that could advance the investigation of massacres allegedly committed by the military during the Rios Montt administration. Rios Montt's lawyers plan to appeal the decision to the Constitutional Court.

14. (U) Human rights organizations celebrated the historic ruling, but feared that the military would destroy the plans before they are made available to the public. The Attorney General's Office stated that it could not guarantee the physical integrity of the documents.

15. (SBU) Carmen Aida Ibarra of the Myrna Mack Foundation said that the court decision would put the Ministry of Defense to the test in implementing the decision and delivering the documents in their original state. She asserted that the normal practice of the military was to argue for State secrecy to hide its actions, including its finances.

16. (SBU) In a meeting with poloff July 26, Human Rights Legal Action Center (CALDH) Legal Director Juan Francisco Soto hailed the decision as historic and fundamental, saying it would contribute to breaking down the military's wall of impunity. He criticized the Attorney General's Office for its absence at a July 16 public hearing. According to Soto, neither Rios Montt's lawyers nor the two prosecutors who have responsibility for the issue were present. Only third parties were in attendance. CALDH Deputy Director Mario Minera remarked that it was a prime example of the non-functioning of the Attorney General's Office.

17. (SBU) CALDH Director Edda Gaviola anticipated that the Constitutional Court would reject Rios Montt's lawyers' arguments and affirm the decision of the appeals court since it had already provided a consultative opinion on Article 30 of the constitution concerning public availability of government documents except on military or diplomatic matters of national security.

18. (SBU) Deputy Director Minera believed the decision would greatly

contribute to the fight against impunity and to justice and reconciliation in Guatemala. He remarked that the core problem with the Attorney General's Office was lack of political will in fulfilling its mandate. Gaviola agreed, noting that inaction by the Attorney General's Office in prosecuting crime was putting at risk all sectors of Guatemalan society.

19. (U) Comment: There have been no reports of human rights violations by the Guatemalan military in recent years, and human rights training is now an important, mandatory element of the military system. This court decision will further the investigation of violations that occurred during the internal conflict and facilitate the search for the disappeared and reconciliation efforts. While the Peace Accords did not include an amnesty provision, the Law of National Reconciliation of December 18, 1996 provided exemption from penal responsibility for any political or politically motivated act committed during the internal armed conflict, except for acts of torture, genocide, and forced disappearances.